



COMPLAINTS POLICY AND PROCEDURE

SWPride will revise and review this policy regularly.

Version: 5 (reviewed on 01/05/2023)

Next Review date: May 2024

Version	Date	Changes	Changed by
1.0	05/10/19	Created by Phoenix Stewart – First draft	-
2.0	20/04/20	Trustee Review, inclusion of Appendix 2	J.Sharpe
3.0	01/02/21	Trustee Review, minor changes	J.Sharpe
4.0	04/05/22	Trustee Review, minor changes	Denise Dymond Phoenix Stewart
5.0	1/05/2023	Trustee Review, no changes	Paul Stewart

Contents

Section	Page number
1. Policy Statement	3
2. Scope	3
3. Procedure	4
3.1 Recording complaints	4
3.2 Stage 1 Informal complaint	4
3.3 Stage 2 Formal complaint	4
3.4 Stage 3 Complaint Committee	5
4. Complaints involving the Chair	5
5. Exceptional circumstances	5
6. Managing unreasonable complainant behaviour	5
7. Reporting Serious Incidents to the Charity Commissioning	6
Appendix 1 – Complaints Log & Form	7
Appendix 2 – Serious Incident Reporting	10

1. Policy statement

Swindon & Wiltshire Pride (SWP) strives to promote LGBTQIA+ equality and diversity through variety activities to a very high standard as expected by all who come in to contact with us. If we fail to do this, we want to know about it. This will enable us not only to deal with the specific problem, but also to prevent it happening again.

We encourage complaints, comments, and compliments as feedback upon which we can develop and improve what we do. We will strive to respond to all of these in a positive manner, dealing with complaints in the manner set out in this document.

2. Scope

This document sets out our policy regarding complaints and the procedures we will follow when we receive a complaint from an organisation, or member of the public. *It does not address complaints regarding staffing or volunteering issues or recruitment and selection which are covered by separate procedures.*

This document describes the process SWP will take when a complaint is raised. This includes the process around recording, investigating, and responding to complaints, as well as the appeals process if an agreeable outcome cannot be met.

Complaints are likely to be in one or more of the following areas:

- a) Dissatisfaction with our event
- b) Disputes between a member of the public and SWP
- c) Issues or concerns relating to the behaviour or conduct of SWP Executive Committee Members or volunteers.

3. Procedure

This procedure should be followed in all instances where a complaint is made to SWP. Where this occurs, a copy of the policy may be provided to the organisation or member of the public. The stages of the complainant's procedure will be explained to the complainant.

3.1 Recording complaints

All complaints will be recorded using the Complaints Log (see appendix 1) for the current year. All complaints shall be treated with regard to the GDPR policy and used by SWP as part of the complaints review process.

Stage 1 Informal Complaint

The term informal is not to be used to infer that this should be dealt with any less seriously, it merely refers to the method by which the complaint is made and is not a reason to not take appropriate actions or impose relevant sanctions where necessary.

The complainant will be invited to submit a verbal complaint to the most appropriate SWP Executive Committee Member in person or by email. The person to whom the complaint is made will pass the complaint on to the ***Vice chair or Chairperson***, who will investigate the matter and attempt to resolve the matter as soon as possible or within ***14 working days*** and consult with relevant Executive Committee Members (where necessary).

The person leading the investigation (***Vice chair or Chairperson***) should create a copy of the complaint and place it within the secure online file management system and complete the Complaint Log. A copy of the official reply to this complaint will be PDF'ed and placed in the secure online file management system, along with any supporting evidence.

If the complainant is not satisfied with the outcome of the investigation, or if an informal complaint is not appropriate, the complaint will move on to Stage 2.

Stage 2 Formal Complaint

The complainant will be asked to put their complaint in writing via the website. If the complainant is not able to put their complaint in writing, they will be offered an interview with the relevant committee member. The role of the committee member at this meeting will be confined to putting the complaint in writing, seeking the complainant's approval of the written submission, and obtaining the complainant's signature to indicate agreement with the contents. The complainant may choose to work with a third-party representative at this stage and throughout the process.

SWP will endeavour to make necessary adjustments to support complainants in the reporting and recording of the complaint.

The Chair or Vice Chair will investigate the complaint and attempt to resolve it. If the complaint involves an Executive Committee Member or Volunteer, the Chair or Vice Chair will offer the member of the committee or volunteer an opportunity to put forward their account.

The Chair or Vice Chair will ensure that all complaints receive a response in writing within **14 working days** of receipt of the written complaint. This will summarise what investigations have been carried out and what action, if any, are proposed to resolve the matter. A copy of this correspondence will be kept by SWP and will be stored in our secure online file management system.

If a response in writing is inappropriate, the complainant will be offered an interview with the Chair or Vice Chair or their nominee to provide the response verbally. This meeting should be held within **14 working days** as before.

If the complainant is not satisfied at this stage, they should ask for the matter to be dealt with under stage 3 of the Complaints Procedure.

Stage 3 Formal Complaint

Where the matter is not resolved by Stage 2 the Chair or Vice Chair should immediately convene a complaints committee comprising of Executive Committee Member (not previously involved in the matter) and one Trustee.

The complaints committee shall consider the complaint and all materials relating to the investigation. After due deliberation they shall decide on what course of action should be taken (if any). The decision of the Complaints Committee shall be final.

The decision of the complaints committee shall be forwarded to the complainant in writing, within an appropriate time frame.

4. Complaints involving the Chair

Where the complaint is against the Chair the same procedure should be followed, but with a Trustee taking on the role and function of the investigator at all stages.

5. Exceptional circumstances

Where a complainant pursues a committee member and/or volunteers outside the scope of the law i.e. Threatening behaviour, actual or physical bodily harm etc. this shall normally render their complaint invalid and it shall not be acted upon in any way.

If the behaviour of a complainant towards a Executive Committee Member or Volunteers is enough to warrant involving the Police this behaviour shall normally render their complaint invalid and it will not be acted upon.

Complainants whom engage in behaviour that could be regarded as “vexatious litigation” in a legal context shall not have their complaints dealt with. The Chair shall be responsible for identifying complainants acting as such and shall submit this information to the Trustees and this information shall be recorded for future reference, using the Complaints Log. If at any point in the future, an

individual or organisation recorded in this way makes another complaint, consideration shall be given to whether to disregard that complaint by the Trustees.

The decision to dismiss complaints without investigation should not be taken lightly or liberally and must be escalated to the Chair/Vice Chair before a decision is made. A record of disregarded complaints must be kept for reporting to the Board of Trustees.

6. Managing unreasonable complainant behaviour

In a minority of cases people pursue their complaints in a way that is unreasonable. They may behave unacceptably or be unreasonably persistent in their contacts and submission of information. This can impede investigating their complaint (or complaints by others) and can have significant resource issues for organisations. These actions can occur either while their complaint is being investigated, or once an organisation has finished the complaint investigation.

The decision to designate someone's behaviour as unreasonable, and restrict their access to you, could have serious consequences for the individual. So, you should be satisfied that:

- the complaint is being or has been investigated properly
- any decision reached on it is the right one
- communications with the complainant have been adequate
- the complainant is not now providing any significant new information that might affect the organisation's view on the complaint.

SWP can refuse to register and process further complaints about the same matter.

<https://www.lgo.org.uk/information-centre/reports/guidance-notes/guidance-on-managing-unreasonable-complainant-behaviour>

7. Reporting Serious incidents to Charity Commission

Refer to: <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>

It is the responsibility of the Trustees to report any incident, defined as a Serious Incident (refer to Appendix 2) to the Charity Commissioning.

A serious incident is an adverse event, whether actual or alleged, which results in or risks significant:

- harm to your charity's beneficiaries, volunteers or others who come into contact with your charity through its work
- loss of your charity's money or assets
- damage to your charity's property
- harm to your charity's work or reputation

Swindon & Wiltshire Pride Complaints Form



Name and role of person completing this report:

Date initial complaint received:

Name and role of recipient:

Method by which complaint was received:

Details about the complainant:

Name:

Contact number:

Email address:

Address:

Does the complainant require any adjustments to be made?

Do they consent to completing a demographic monitoring form?

Details about the complaint:
(If the person has submitted a written complaint, then please attach this to the log)

STAGE 1

Has this previously been an informal complaint: YES / NO

Please provide details of your investigation:
(It is fine to attach emails, letters and other records)

STAGE 2

Nominated person investigating the formal complaint:

Please provide details of your investigation:

(It is fine to attach emails, letters and other records)

Outcome of the investigation:

Actions identified:

Complainant notified of the outcome:

(Please give details of date and method)

Is the complaint being escalated to Stage 3?

STAGE 3

Nominated person chairing Complaints Panel:

Complaints Panel members:

Please provide details of your investigation:

(It is fine to attach emails, letters and other records)

Outcome of the investigation:

Actions identified:

Complainant notified of the outcome:

(Please give details of date and method)

Received by (name):

Signature:

Date:

Appendix 2

Charity Commission: deciding what to report

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/752170/RSI_guidance_what_to_do_if_something_goes_wrong_Examples_table_deciding_what_to_report.pdf



Examples table: deciding what to report

Serious incidents to report	Incidents not to report
Protecting people and safeguarding incidents	
<p>A beneficiary or other individual connected with the charity's activities has/alleges to have suffered serious harm</p> <p>Allegation that a staff member has physically or sexually assaulted or neglected a beneficiary whilst under the charity's care</p> <p>The Chief Executive of the charity has been suspended pending the outcome of an investigation into their alleged sexual harassment of a fellow member of staff</p> <p>Allegation that a trustee, staff member or volunteer has been sexually assaulted by another trustee, staff member or volunteer</p> <p>A staff computer is found to contain images of child pornography</p> <p>An internal investigation has established that there is a widespread culture of bullying within the charity</p> <p>A beneficiary or individual connected with the charity's activities has died or been seriously harmed; a significant contributory factor is the charity's failure to implement a relevant policy</p> <p>Charity failed to carry out DBS checks which would have identified that a member of staff or trustee was disqualified in law (under safeguarding legislation) from holding that position</p>	<p>Minor unusual/aggressive behaviour by a beneficiary towards a member of staff</p> <p>Police called to charity premises because a beneficiary is drunk and disorderly</p> <p>Charity becomes aware of allegations of abuse or neglect of a beneficiary that occurred outside the charity; the charity has reported the allegations to the appropriate agencies, and there is no harm to the charity's reputation</p> <p>Beneficiary in a care home received the wrong medication as a 'one-off' error and there was no significant harm</p> <p>Logged accident book reports where there was no significant harm to individuals</p> <p>Details of reports under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) where there has been no significant harm to individuals</p> <p>Minor accidental injury to a charity service user e.g. slipping on a wet floor</p> <p>A staff member who is not in a senior position or position of specific responsibility (e.g. head of safeguarding) has bullied or harassed a fellow staff member. There is</p>

<p>Repeated medication errors to beneficiaries in a care home indicating a systemic problem</p> <p>Charity discovers that an employee or volunteer coming into contact with children or at risk adults is on the sex offenders register</p>	<p>no indication of a widespread culture of bullying or harassment within the charity and the incident is dealt with by minor disciplinary action (for example, the staff member responsible has not been suspended or dismissed).</p> <p>A staff member who is not in a senior position or position of specific responsibility is dismissed for marrying a member of the community in which the charity is working, in breach of the charity's code of conduct but not in breach of local laws</p>
<p>Fraud, cyber-crime and money laundering</p>	
<p>Charity's Chief Executive and Treasurer produced false invoices for charity services</p> <p>A bogus fundraising scheme is being promoted online, using charity's name</p> <p>Charity funds lost due to an online or telephone 'phishing scam', where trustees were conned into giving out bank account details</p> <p>Attempted fraud by a member of charity staff but intercepted by internal financial controls</p> <p>Any actual/alleged fraud or money laundering should be reported. Any actual/alleged cyber-crime should be reported with the exception of the example in the right hand column</p>	<p>Attempted cyber-crimes that are blocked by the charity's computer network security systems, except where the attempted cyber-crime is unusual in nature and the charity wants to bring it to the attention of the Commission</p>
<p>Theft</p>	
<p>Each month, between £100-£200 goes missing, suspected stolen, from the cash till in the charity shop. It has been going on for six months and has been reported to the police.</p> <p>Charity office has been broken into and computers, holding personal details of beneficiaries and donors, stolen</p> <p>Remember, there is no minimum loss figure that should be reported. You need to decide whether incidents are serious enough to report, in the context of your charity and its</p>	<p>One-off random theft of items such as jewellery or a mobile phone at the charity's premises</p> <p>Theft of small amounts of cash belonging to a beneficiary, by another beneficiary, at a charity event</p> <p>Theft of a collection tin thought to contain small amount of cash</p>

<p>income, taking account of the actual harm and potential risks posed</p>	
<p>Unverified or suspicious donations</p>	
<p>A significant amount over £25,000 is donated to the charity from an unknown or unverifiable source</p>	<p>Large legacy left in a will, received via solicitor dealing with probate, on condition donor remains anonymous</p> <p>Large donation made by an anonymous donor via solicitor who is aware of their identity</p> <p>Low value donations from unknown sources - refer to our guidance on due diligence and monitoring end use of funds</p>
<p>Other significant financial loss</p>	
<p>Significant loss of charity funds in a poor investment scheme, commissioned by trustees, without professional advice</p> <p>Sudden loss of 20% or more of charity's income (e.g. due to termination of major donor contract); charity has no reserves, meaning staff will be laid off and services stopped</p> <p>Substantial loss of charity funds due to legal costs incurred in a court case; excludes those charities routinely undertaking budgeted litigation on behalf of beneficiaries</p> <p>The charity's main premises is severely damaged in a fire and the charity is unable to deliver services to its beneficiaries</p>	<p>Loss of charity funds where the value lost represents less than £25,000 of charity assets and is less than 20% of the charity's income. There is no significant impact on the charity's services.</p> <p>Charity property overseas is damaged due to bad weather conditions (e.g. office roof blown off during a storm) but doesn't prevent charity from delivering services to beneficiaries</p> <p>A vehicle owned by the charity is badly damaged in an accident. Nobody was hurt, the damage is covered by insurance and the charity is still able to deliver services to its beneficiaries</p>
<p>Links to terrorism or extremism</p>	
<p>Charity discovers that an overseas partner has passed money to a member of charity's personnel who is a designated individual, subject to financial restrictions</p>	

<p>A member of charity staff or volunteer has been arrested for terrorism related offences</p> <p>Charity's warehouse in a war zone has been raided and vehicles/ stock taken at gunpoint</p> <p>Charity personnel have been detained or kidnapped by a terrorist group overseas</p> <p>A visiting speaker has used a charity event to promote extremist messages, via live speech or social media</p>	
<p>Other significant incidents - Disqualified person acting as a trustee</p>	
<p>Any person acting as a trustee or senior manager while disqualified – refer to the Commission's guidance</p>	<p>A trustee or senior manager voluntarily steps down from trusteeship when disqualified for having an IVA (Individual Voluntary Arrangement)</p>
<p>Charity subject to investigation by a regulatory body</p>	
<p>Charity is subject to official investigation by another regulator e.g. Fundraising Regulator, Police, UK Visas & Immigration, Ofcom, Information Commissioner, Care Quality Commission or Care Inspectorate Wales</p>	<p>Routine inspections by a sector regulator e.g. Ofsted, CQC or CIW, do not need to be reported to the Commission unless there are adverse findings that place the future of the charity in doubt, relate to other categories of serious incidents or are likely to attract negative media attention</p>
<p>Major governance issues</p>	
<p>Mass resignation of trustees, leaving the charity unable to function</p> <p>Evidence that trustees have routinely signed blank cheques</p>	<p>One or two trustees stepping down at year-end, due to other commitments</p>

Fundraising issues	
<p>Suspicious of unauthorised public collections in the name of the charity</p> <p>Charity hasn't complied with law on requirements for solicitation statements or professional fundraising agreements</p> <p>Significant funds, due under a fundraising arrangement, have not been paid by the professional fundraiser, or commercial partner to the charity</p> <p>Incident has taken place involving a fundraising agency which will incur serious damage to the charity's reputation</p>	<p>A missing collection tin thought to contain a small sum of money</p> <p>Failure of a sponsor, e.g. of a local fun run, to submit small amounts of money raised for the charity</p>
Data breaches or loss	
<p>Charity's data has been accessed by an unknown person; this data was accessed and deleted, including the charity's email account, donor names and addresses</p> <p>A charity laptop, containing personal details of beneficiaries or staff, has been stolen and there is no encryption or other security measures that would prevent the perpetrator from accessing this information</p> <p>A Data Protection Act breach has occurred and been reported to the ICO</p>	<p>A charity laptop or mobile phone (not containing confidential data) has gone missing – it's been reported to the police</p>
Incidents involving partners	
<p>A delivery partner of the charity is alleged to have links to terrorism and extremism</p> <p>A delivery partner of the charity has ceased to operate and this has prevented the charity from providing assistance to its beneficiaries</p> <p>The charity's subsidiary trading company has gone into liquidation and this has resulted in financial difficulties which place the future of the charity in doubt</p>	<p>A serious incident has taken place involving a partner but it has no or minimal impact on the charity's reputation or the partner's ability to deliver its work with the charity</p> <p>A delivery partner of the charity has ceased to operate and this has had some impact on the charity's ability to provide assistance to its beneficiaries but it is not a</p>

<p>Staff of another organisation within the same federated structure are found to have been committing systematic abuse of beneficiaries and this has significantly damaged the reputation of the charity</p>	<p>material impact and the assistance to beneficiaries hasn't stopped</p>
<p>Other, including criminality</p>	
<p>Any other type of incident that appears serious and likely to damage reputation or incur loss of charitable funds/assets</p>	